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Express Mail Label No. EV292460540US  
Date of Deposit: October 29, 2004

DOCKET NO: D0188.70126US00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Darois et al.  
Serial No.: 09/900,707  
Filed: July 6, 2001  
Conf. No.: 4890  
For: PROSTHETIC REPAIR FABRIC  
Examiner: David A. Bonderer  
Art Unit: 3732

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

1. Request for Reconsideration;
2. Copy of Information Disclosure Statement and Form PTO-1449 (previously submitted); and
3. Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is due. If it is determined that a fee is due, it may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By: James M. Hanifin, Jr.  
James M. Hanifin, Jr., Reg. No. 39,213  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
Tel. (617) 720-3500

Date: October 29, 2004  
xNDD



Express Mail Label No. EV292460540US  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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For: PROSTHETIC REPAIR FABRIC  
Examiner: David A. Bonderer  
Art Unit: 3732

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION**

Dear Sir:

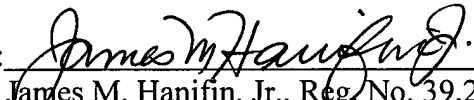
Enclosed is a copy of an Information Disclosure Statement and Form PTO-1449 previously submitted to the Patent Office on January 31, 2002. As discussed with Examiner Bonderer on October 20, 2004, Applicants received copies of only pages 1-4 of Form PTO-1449 initialed by the Examiner. Applicants did not receive a copy of page 5 of the PTO-1449 initialed and signed by the Examiner to evidence that the cited information had been fully considered by the PTO. Consequently, Applicants respectfully request the Examiner provide a complete copy of Form PTO-1449 (pages 1-5) previously initialed and signed by the Examiner, if available. Otherwise, Applicants respectfully request reconsideration of the cited information and request that the enclosed Form-PTO 1449 be signed by the Examiner to evidence that the information has been considered by the Patent and Trademark Office during the examination of this application.

Applicants acknowledge receipt of a Notice of Allowance in this matter. In the Notice of Allowability, the Examiner indicated that the communication is responsive to the interview held on May 19, 2004. As discussed with the Examiner, Applicants subsequently filed an amendment on May 21, 2004 in response to the outstanding Office Action and which incorporated the

substance of the discussion during the interview into the remarks. Applicants respectfully request that the Examiner issue a supplemental Notice of Allowability indicating that it is responsive to the amendment which was received by the Patent Office on May 24, 2004.

If the Examiner has any questions concerning the foregoing, the Examiner is requested to call the undersigned attorney at the telephone number listed below. If there is a fee occasioned by this request that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By:   
James M. Hanifin, Jr., Reg. No. 39,213  
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600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 646-8000

Date: October 29, 2004  
**xNDD**



**COPY**

ATTORNEY'S DOCKET NO: D0188/7126

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Darois et al.  
Serial No: 09/900,707  
Filed: July 6, 2001  
For: PROSTHETIC REPAIR FABRIC  
Examiner: Not yet assigned  
Art Unit: 3732

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on January 8, 2002.

*Colleen Snyder*  
Colleen Snyder

Commissioner for Patents  
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes of record that co-pending U.S. Patent application serial no. 09/661,623 filed September 14, 2000 (copy enclosed) may be directed to related subject matter.

PART III: Explanation of Non-English Language References

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The relevance of German reference DE 298 17 682 U may be determined from its drawings and the English abstract obtained from the DERWENT World Patent Index as follows:

Abstract (Basic):

NOVELTY – The webbing (10) made of mono fiber propylene has a rectangular main area (11) with a cut (12), positioned vertically to the lateral edge (14) of the main area (11) and welded at the end (19), for the insertion of one or more body parts, in particular the spermatic cord. The cut (12) is covered with a second piece of rectangular netting (13), which is fixed with one of its lateral edges (15) to the main area (11).

USE – The new type of hernia support netting is used by the surgeon in a hospital.

ADVANTAGE – The cover part and the welded end of the cut of the new design of a hernia support netting prevent the affected area from injuries and keep the netting safely in place.

DESCRIPTION OF DRAWING(S) – The drawing shows a top view of the netting.

- webbing (10)
- main area (11, 11')
- cut (12)
- cover (13)
- lateral edges of main area (14, 16, 17, 18)
- fixed edge of cover (15)
- welded end of cut (19)
- loose edge of cover (22)

The relevance of European reference EP 0 194 192 A1, entitled "Absorbable composite chirurgical material, method of preparation, resorbable prosthesis based on this material and use of this prosthesis", may be gleaned from its drawings and the English abstract obtained from the esp@cenet database as follows:

Abstract: Absorbable composite surgical material comprising a reinforcement essentially constituted of resorbable synthetic threads, and a sheet of reconstituted collagen, the said sheet being laminated with at least one face of the said reinforcement for the purpose of filling in a leakproof manner the interstices between the said resorbable synthetic threads.

The relevance of European reference EP 0 719 527 may be determined from its counterpart U.S. Patent No. 5,697,978.

The relevance of French reference FR 2 744 906 A1 may be determined from its English translation attached thereto in prior application no. 09/309,071.

The relevance of Soviet reference SU 1 718 857 may be gleaned from its drawings and the English abstract attached thereto in prior application no. 09/309,071.

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

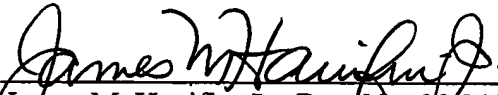
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

*Darois et al., Applicant(s)*

By:   
James M. Hanifin, Jr., Reg. No. 39,213  
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600 Atlantic Avenue  
Boston, MA 02210  
Telephone (617) 720-3500

Docket No. **D0188/7126**  
Dated: January 31, 2002  
**xNDD**



FORM PTO-1449/A and B (Modified)

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

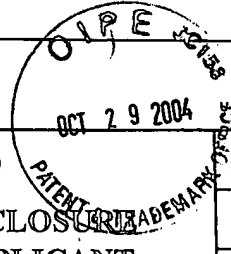
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|-----------------------------|------------------------------|
| APPLICATION NO.: 09/900,707 | ATTY. DOCKET NO.: D0188/7126 |
| FILING DATE: July 6, 2001   |                              |
| APPLICANT: Darois et al.    |                              |
| GROUP ART UNIT: 3732        | EXAMINER: Not Yet Assigned   |

Sheet. 1 of 5

## U.S. PATENT DOCUMENTS

| Examiner's<br>Initials# | Cite<br>No. | U.S. Patent Document |              | Name of Patentee or Applicant of Cited<br>Document | Date of Publication or of issue<br>of Cited Document<br>MM-DD-YYYY |
|-------------------------|-------------|----------------------|--------------|--|--|
|                         |             | Number               | Kind<br>Code |  |  |
|                         |             | 2,621,145*           |              | Sano   | 12/09/1952   |
|                         |             | 2,671,444*           |              | Pease, Jr.   | 03/09/1954   |
|                         |             | 3,054,406*           |              | Usher  | 09/18/1962   |
|                         |             | 3,124,136            |              | Usher  | 03/10/1964   |
|                         |             | 3,272,204*           |              | Artandi et al.                                     | 09/13/1966   |
|                         |             | 3,625,209*           |              | Clark  | 12/07/1971   |
|                         |             | 3,953,566            |              | Gore   | 04/27/1976   |
|                         |             | 3,965,703            |              | Barnhardt  | 06/29/1976   |
|                         |             | 4,051,848*           |              | Levine   | 10/04/1977   |
|                         |             | 4,187,390            |              | Gore   | 02/05/1980   |
|                         |             | 4,277,429            |              | Okita  | 07/07/1981   |
|                         |             | 4,347,847            |              | Usher  | 09/07/1982   |
|                         |             | 4,400,833*           |              | Kurland  | 08/30/1983   |
|                         |             | 4,403,604            |              | Wilkinson et al.                                   | 09/13/1983   |
|                         |             | 4,452,245            |              | Usher  | 06/05/1984   |
|                         |             | 4,478,665            |              | Hubis  | 10/23/1984   |
|                         |             | 4,576,608*           |              | Homsy  | 03/18/1986   |
|                         |             | 4,585,458*           |              | Kurland  | 04/29/1986   |
|                         |             | 4,633,873*           |              | Dumican et al.                                     | 01/06/1987   |
|                         |             | 4,655,221*           |              | Devereux   | 04/07/1987   |
|                         |             | 4,693,720*           |              | Scharnberg et al.                                  | 09/15/1987   |
|                         |             | 4,713,075            |              | Kurland  | 12/15/1987   |
|                         |             | 4,725,279*           |              | Woodroof   | 02/16/1988   |
|                         |             | 4,760,102            |              | Moriyama et al.                                    | 07/26/1988   |
|                         |             | 4,769,038*           |              | Bendavid et al.                                    | 09/06/1988   |
|                         |             | 4,796,603            |              | Dahlke et al.                                      | 01/10/1989   |
|                         |             | 4,840,626            |              | Linsky et al.                                      | 06/20/1989   |
|                         |             | 4,854,316*           |              | Davis  | 08/08/1989   |
|                         |             | 4,871,365            |              | Dumican  | 10/03/1989   |
|                         |             | 4,882,162*           |              | Ikada et al.                                       | 11/21/1989   |
|                         |             | 4,942,875*           |              | Hlavacek et al.                                    | 07/24/1990   |
|                         |             | 4,955,907            |              | Ledergerber  | 09/11/1990   |
|                         |             | 4,994,084            |              | Brennan  | 02/19/1991   |
|                         |             | 4,997,440*           |              | Dumican  | 03/05/1991   |
|                         |             | 5,002,551*           |              | Linsky et al.                                      | 03/26/1991   |
|                         |             | 5,007,916*           |              | Linsky et al.                                      | 04/16/1991   |
|                         |             | 5,092,884*           |              | Devereux et al.                                    | 03/03/1992   |





ORM PTO-1449/A and B (Modified)

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

APPLICATION NO.: 09/900,707

ATTY. DOCKET NO.: D0188/7126

FILING DATE: July 6, 2000

APPLICANT: Darois et al.

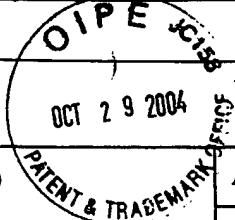
GROUP ART UNIT: 3732

EXAMINER: Not Yet Assigned

Sheet - 2 of 5

## U.S. PATENT DOCUMENTS

| Examiner's<br>Initials# | Cite<br>No. | U.S. Patent Document |              | Name of Patentee or Applicant of Cited<br>Document | Date of Publication or of issue<br>of Cited Document<br>MM-DD-YYYY |
|-------------------------|-------------|----------------------|--------------|--|--|
|                         |             | Number               | Kind<br>Code |  |  |
|                         |             | 5,100,422*           |              | Berguer et al.                                     | 03/31/1992   |
|                         |             | 5,104,400*           |              | Berguer et al.                                     | 04/14/1992   |
|                         |             | 5,110,527            |              | Harada et al.                                      | 05/05/1992   |
|                         |             | 5,116,357*           |              | Eberbach   | 05/26/1992   |
|                         |             | 5,116,360*           |              | Pinchuk et al.                                     | 05/26/1992   |
|                         |             | 5,122,155*           |              | Eberbach   | 06/16/1992   |
|                         |             | 5,141,515*           |              | Eberbach   | 08/25/1992   |
|                         |             | 5,141,522*           |              | Landi  | 08/25/1992   |
|                         |             | 5,147,401*           |              | Bakker et al.                                      | 09/15/1992   |
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|                         |             | 5,217,494            |              | Coggins et al.                                     | 06/08/1993   |
|                         |             | 5,222,987*           |              | Jones  | 06/29/1993   |
|                         |             | 5,234,739            |              | Tanaru et al.                                      | 08/10/1993   |
|                         |             | 5,234,751            |              | Harada et al.                                      | 08/10/1993   |
|                         |             | 5,254,133*           |              | Seid   | 10/19/1993   |
|                         |             | 5,258,000*           |              | Gianturco  | 11/02/1993   |
|                         |             | 5,282,851            |              | Jacob-LaBarre                                      | 02/01/1994   |
|                         |             | 5,290,217*           |              | Campos   | 03/01/1994   |
|                         |             | 5,292,328            |              | Hain et al.  | 03/08/1994   |
|                         |             | 5,326,355*           |              | Landi  | 07/05/1994   |
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|                         |             | 5,334,217*           |              | Das  | 08/02/1994   |
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|                         |             | 5,366,460*           |              | Eberbach   | 11/22/1994   |
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|                         |             | 5,370,650*           |              | Tovey et al.                                       | 12/06/1994   |
|                         |             | 5,425,740*           |              | Hutchinson, Jr.                                    | 06/20/1995   |
|                         |             | 5,433,996*           |              | Kranzler et al.                                    | 07/18/1995   |
|                         |             | 5,456,720*           |              | Schultz et al.                                     | 10/10/1995   |
|                         |             | 5,461,885*           |              | Yokoyama et al.                                    | 10/31/1995   |
|                         |             | 5,480,436*           |              | Bakker et al.                                      | 01/02/1996   |
|                         |             | 5,507,811            |              | Koike et al.                                       | 04/16/1996   |
|                         |             | 5,508,036*           |              | Bakker et al.                                      | 04/16/1996   |
|                         |             | 5,519,004*           |              | Urry   | 05/21/1996   |
|                         |             | 5,522,896            |              | Prescott   | 06/04/1996   |
|                         |             | 5,545,178            |              | Kensey et al.                                      | 08/13/1996   |
|                         |             | 5,569,273*           |              | Titone   | 10/29/1996   |



FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APPLICATION NO.: 09/900,707

ATTY. DOCKET NO.: D0188/7126

FILING DATE: July 6, 2000

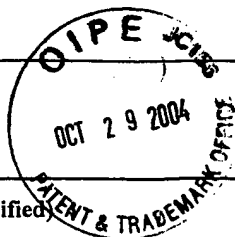
APPLICANT: Darois et al.

GROUP ART UNIT: 3732

EXAMINER: Not Yet Assigned

Sheet 3 of 5

| Examiner's<br>Initials# | Cite<br>No. | U.S. Patent Document |              | Name of Patentee or Applicant of Cited<br>Document | Date of Publication or of issue<br>of Cited Document<br>MM-DD-YYYY |
|-------------------------|-------------|----------------------|--------------|--|--|
|                         |             | Number               | Kind<br>Code |  |  |
|                         |             | 5,591,234            |              | Kirsch   | 01/07/1997   |
|                         |             | 5,593,441*           |              | Lichtenstein et al.                                | 01/14/1997   |
|                         |             | 5,601,579*           |              | Semertzides  | 02/11/1997   |
|                         |             | 5,614,284*           |              | Kranzler et al.                                    | 03/25/1997   |
|                         |             | 5,634,931*           |              | Kugel  | 06/03/1997   |
|                         |             | 5,634,944            |              | Magram   | 06/03/1997   |
|                         |             | 5,653,760            |              | Saffran  | 08/05/1997   |
|                         |             | 5,695,525*           |              | Mulhauser et al.                                   | 12/09/1997   |
|                         |             | 5,697,978*           |              | Sgro   | 12/16/1997   |
|                         |             | 5,716,408*           |              | Eldridge et al.                                    | 02/10/1998   |
|                         |             | 5,716,409*           |              | Debbas   | 02/10/1998   |
|                         |             | 5,722,992*           |              | Goldman  | 03/03/1998   |
|                         |             | 5,725,577*           |              | Saxon  | 03/10/1998   |
|                         |             | 5,733,337*           |              | Carr, Jr. et al.                                   | 03/31/1998   |
|                         |             | 5,743,917*           |              | Saxon  | 04/28/1998   |
|                         |             | 5,759,204            |              | Seare, Jr.   | 06/02/1998   |
|                         |             | 5,766,246*           |              | Mulhauser et al.                                   | 06/16/1998   |
|                         |             | 5,769,864*           |              | Kugel  | 06/23/1998   |
|                         |             | 5,813,975*           |              | Valenti  | 09/29/1998   |
|                         |             | 5,824,082            |              | Brown  | 10/20/1998   |
|                         |             | 5,855,613            |              | Antanavich et al.                                  | 01/05/1999   |
|                         |             | 5,861,034            |              | Taira et al.                                       | 01/19/1999   |
|                         |             | 5,879,366            |              | Shaw et al.  | 03/09/1999   |
|                         |             | 5,916,225*           |              | Kugel  | 06/29/1999   |
|                         |             | 5,919,232            |              | Chaffrignon et al.                                 | 07/06/1999   |
|                         |             | 5,922,026            |              | Chin   | 07/13/1999   |
|                         |             | 5,954,767            |              | Pajotin et al.                                     | 09/21/1999   |
|                         |             | 5,972,007            |              | Sheffield et al.                                   | 10/26/1999   |
|                         |             | 5,990,378            |              | Ellis  | 11/23/1999   |
|                         |             | 5,990,380            |              | Marotta et al.                                     | 11/23/1999   |
|                         |             | 6,004,333*           |              | Sheffield et al.                                   | 12/21/1999   |
|                         |             | 6,031,148            |              | Hayes et al.                                       | 02/29/2000   |
|                         |             | 6,066,776            |              | Goodwin et al.                                     | 05/23/2000   |
|                         |             | 6,120,539            |              | Eldridge et al.                                    | 09/19/2000   |
|                         |             | 6,258,124            | B1           | Darois et al.                                      | 07/10/2001   |



FORM PTO-1449/A and B (Modified)

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

|                             |                              |
|-----------------------------|------------------------------|
| APPLICATION NO.: 09/900,707 | ATTY. DOCKET NO.: D0188/7126 |
| FILING DATE: July 6, 2000   |                              |
| APPLICANT: Darois et al.    |                              |
| GROUP ART UNIT: 3732        | EXAMINER: Not Yet Assigned   |

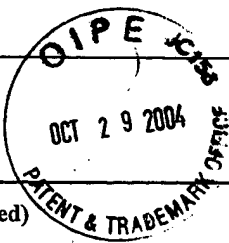
Sheet 4 of 5

## **FOREIGN PATENT DOCUMENTS**

| Examiner's<br>Initials# | Cite<br>No. | Foreign Patent Document |             |              | Name of Patentee or Applicant of Cited<br>Document<br>(not necessary) | Date of<br>Publication of<br>Cited Document<br>MM-DD-YYYY | Translation<br>(Y/N) |
|-------------------------|-------------|-------------------------|-------------|--------------|---|---|----------------------|
|                         |             | Office/<br>Country      | Number      | Kind<br>Code |   |   |                      |
|                         |             | CA                      | 2,114,282*  |              | Schilder et al.   | 07/29/1994  |                      |
|                         |             | DE                      | 298 17 682* | U1           | Medimex Holfeld   | 04/15/1999  | Abstract             |
|                         |             | EP                      | 0 194 192*  | A1           | Ethnor  | 09/10/1986  | Abstract             |
|                         |             | EP                      | 0 334 046*  | A2           | Devereux, Dennis F.   | 02/24/1989  |                      |
|                         |             | EP                      | 0 358 819*  | A1           | Dow Corning Kabushiki Kaisha  | 03/21/1990  |                      |
|                         |             | EP                      | 0 362 113*  | A1           | Sideris   | 04/04/1990  |                      |
|                         |             | EP                      | 0 560 934*  | B2           | Hayes   | 08/21/1996  |                      |
|                         |             | EP                      | 0 719 527*  | A1           | Sgro  | 07/03/1996  |                      |
|                         |             | EP                      | 0 827 724*  | A2           | Trabucco  | 03/11/1998  |                      |
|                         |             | FR                      | 2 744 906*  | A1           | Bardeau   | 08/22/1997  | Y                    |
|                         |             | GB                      | 1 352 282*  |              | Cutter Laboratories   | 06/19/1972  |                      |
|                         |             | GB                      | 1 406 271*  |              | Frankenthal   | 09/17/1975  |                      |
|                         |             | SU                      | 1718857*    | A1           | Senyutovich   | 03/15/1992  | Abstract             |
|                         |             | WO                      | 82/04390*   | A1           | Kurland   | 12/23/1982  |                      |
|                         |             | WO                      | 90/14796*   | A1           | Muijs Van De Moer   | 12/13/1990  |                      |
|                         |             | WO                      | 92/10218*   | A1           | Hayes   | 06/25/1992  |                      |
|                         |             | WO                      | 92/19162*   | A2           | Seid  | 11/12/1992  |                      |
|                         |             | WO                      | 93/17635*   | A1           | Lichtenstein  | 09/16/1993  |                      |
|                         |             | WO                      | 94/17747*   | A1           | De La Torre   | 08/18/1994  |                      |
|                         |             | WO                      | 96/09795*   | A1           | Kugel   | 04/04/1996  |                      |
|                         |             | WO                      | 96/14805*   | A1           | Valenti   | 05/23/1996  |                      |
|                         |             | WO                      | 97/21461    | A1           | Kieturakis et al.   | 06/19/1997  |                      |
|                         |             | WO                      | 97/35533*   | A1           | Nicolo  | 10/02/1997  |                      |
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## **OTHER ART — NON PATENT LITERATURE DOCUMENTS**

| Examiner's<br>Initials# | Cite<br>No | Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the<br>item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue<br>number(s), publisher, city and/or country where published.                       | Translation<br>(Y/N) |  |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/309,071, filed May 10, 1999, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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